NOTICE
Decision filed 08/24/26, corrected 08/24/26. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

2026 IL App (5th) 250297-U

NO. 5-26-0297

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

NOTICE
This order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

In re MARRIAGE OF	)	Appeal from the
	)	Circuit Court of
DUSTIN KNERRER,	)	Fayette County.
	)	
Petitioner-Appellee,	)	
	)	
and	)	No. 23-DC-16
	)	
CHRISTAL SCOTT,	)	Honorable
	)	Joshua C. Morrison,
Respondent-Appellant.	)	Judge, presiding.

JUSTICE BOLLINGER delivered the judgment of the court.
Justices McHaney and Sholar concurred in the judgment.

ORDER

¶ 1 *Held*: We affirm the circuit court's allocation of parenting time and decision-making, the division of assets and debts, and the order for payment of child support and health insurance costs. We reverse and remand the circuit court's determination regarding the allocation of childcare expenses.

¶ 2 After a four-day trial, the circuit court granted Dustin Knerrer primary parenting time for the parties' two young boys, along with sole decision-making authority over medical, educational, and extracurricular activities. It divided the assets and debts and ordered Christal Scott to pay child support, share health insurance costs, and contribute to daycare expenses. Following a motion to reconsider filed by Christal, the circuit court largely reaffirmed its initial order. On appeal, Christal challenges the circuit court's allocation of parenting time, decision-making responsibilities, the

division of assets and debts, and the obligations to pay child support, health insurance expenses, and childcare expenses. For the reasons set forth below, we affirm in part and remand in part.

¶ 3 I. BACKGROUND

¶ 4 The parties were married on November 17, 2017, and had two children between them, J.K., born in 2018, and B.K., born in 2020. The parties each had additional children from previous marriages; of significance here are Garrett and Jacklynn for Dustin and E.S. and Ty for Christal. In 2019, two separate incidents occurred between Dustin and E.S. that resulted in indicated findings against Dustin. Christal started medical school in Barbados in January 2022 leaving Dustin to care for their two young children. In July 2022 DCFS became involved after videos recorded Dustin becoming physical and yelling at the children. The children were removed for a week and Dustin engaged in services. The children were returned one week later, and his older daughter, Jacklynn, was at home to help with the children. Christal did not return from medical school during this time, citing the need to complete finals. A couple weeks after the incident, she returned home on break for several weeks, but soon thereafter, went back to Barbados for school, leaving Dustin with the children.

¶ 5 In the spring of 2023, Dustin filed an emergency order of protection against Christal, and then the present petition for dissolution of marriage on May 3, 2023. A temporary order was entered on May 15, 2023, defining parenting time for Christal when she was home, and dismissing the order of protection. Christal returned from medical school in October of 2023.

¶ 6 At some point, prior to the trial in July 2024 she moved to Joliet to attend clinicals at Mt. Sanai in Chicago, again leaving the children with Dustin. The trial occurred over four days, and a judgment and parenting plan were entered on August 14, 2024. Christal timely filed a motion to reconsider the decisions entered on September 24, 2025, regarding parenting time and child

support, and on March 25, 2026, regarding the allocation of assets and debts. Between the filing of the motion to reconsider and the entry of the two orders in response thereto, the parties filed no fewer than 14 new petitions. Keeping this timeline in mind, we will discuss only those filings and testimony at trial necessary for an understanding of this appeal.

¶ 7 A. Pre-trial pleadings and orders

¶ 8 On May 3, 2023, Dustin filed a petition for dissolution of marriage against Christal. The parties' two children, J.K. and B.K., who were five and three years old respectively. Dustin asserted that the children resided with him and requested decision-making responsibilities and a majority of parenting time. He further requested child support, maintenance, and attorney fees. On May 4, 2023, a temporary order was entered granting, *inter alia*, parenting time to Christal for that date from 12:15 p.m. to 8:00 p.m., and then, within 48 hours of learning of her availability for a return trip to the area, she was awarded parenting time of an equivalent to no less than Friday evening to Sunday evening. On that same date, an order of protection between the parties was dismissed. A written order memorializing all of the terms agreed to was entered on May 15, 2023.

¶ 9 On October 13, 2023, Christal filed a petition to modify the temporary order, stating that she had completed her overseas medical school studies and requested additional parenting time. On November 7, 2023, an agreed order was entered granting Christal defined weekly parenting time and defined holiday time. A separate agreed order entered that same date disbursed the proceeds from the sale of the marital residence as $20,000 each to Dustin and Christal, with the remaining funds of $46,971 to be placed in the trust account of Dustin's attorney until further order of court.

¶ 10 B. Trial in Summary

¶ 11 The three videos that prompted the July 26, 2022, DCFS involvement were shown and admitted. The videos depicted Dustin yelling at the boys, at times using profanity, and slapping J.K. on the leg and B.K. across the face and head, subsequently slapping him on the leg. He continued to yell at him, instructing him not to be a "shithead."

¶ 12 Samantha Garland, a family intervention specialist, testified that Dustin completed an 18-week parenting course. She expressed no concerns regarding his parenting abilities and noted that Dustin showed improvement in "discipline and empowerment" from the initial assessment to the final assessment. Xzavier Denton, a mental health professional, was Dustin's counselor and testified that he had been providing Dustin counseling since June 5, 2023. The counseling was voluntary and initiated by Dustin, and was aimed at addressing Dustin's anxiety and anger management issues. Tyson Graber, a pastor at Dustin's church, testified that Dustin attends the church with his children, and has sought help with parenting and prayer from the church.

¶ 13 Jacklynn Knerrer, Dustin's daughter from a previous marriage, resided with Dustin intermittently after turning 18 and resided at the time of trial in a trailer in his driveway. Her relationship with Dustin was previously strained, but it began to improve after Dustin's separation from Christal. She observed a noticeable difference in his demeanor and behavior, noting that Dustin was more accountable and communicative, which contributed to the positive change in their relationship.

¶ 14 In the summer of 2022, Christal provided Jacklynn with the videos of Dustin getting physical with the boys, which ultimately prompted Jacklynn to make an anonymous call to DCFS. As a result, the boys were removed from Dustin and stayed with Jacklynn for approximately a

week. Thereafter, she and the boys returned to Dustin's residence, where she remained to assist the boys in adapting to living with Dustin.

¶ 15 Jacklynn testified that prior to DCFS's involvement, Dustin was consistently overwhelmed, but following DCFS intervention, Dustin established a routine with the boys. Additionally, he no longer yelled or screamed when disciplining the boys, nor has she observed him physically strike them. Before DCFS involvement, Dustin was unable to calm himself and would display overt emotional reactions. Since involvement, however, he has been able to take a deep breath and not let himself become overwhelmed.

¶ 16 Jacklynn testified that Dustin had to learn how to parent children independently, without guidance or assistance from others. She observed that during the period when Christal and Dustin lived together, Dustin assumed all disciplinary responsibilities. Additionally, Christal would scream and yell at the children.

¶ 17 Garrett Knerrer, Dustin's 19-year-old son, resided with Dustin until approximately October 2022 when he moved out at Dustin's request but resided with Dustin for the majority of Christal's and Dustin's marriage. When Christal traveled to Barbados, Dustin managed the children's daily responsibilities. Between January and July 2022 Dustin experienced significant stress and anxiety and was consistently irritable and on edge. Garrett also testified that, following DCFS's involvement, Dustin's demeanor changed; he became more patient and adopted different approaches to handling situations. He no longer raised his voice and employed timeouts as a disciplinary measure.

¶ 18 Amanda Thompson, Dustin's former wife, testified that in their divorce, Dustin was assigned all significant decision-making authority and designated as the primary parent. She was

unable to co-parent with Dustin due to his confrontational behavior at the time, and she, as of the date of trial, had no relationship with Jacklynn and Garrett.

¶ 19 E.S., a 17-year-old high school junior, was Christal's son from a previous marriage. At the time of the hearing, he resided with his father in South Carolina, but until 2019, he lived with Christal and Dustin. He moved out that year to live with his grandparents because he no longer wanted to live with Dustin. He reported that there was significant violence, yelling, and abuse from Dustin and Garrett. Dustin received two separate indicated findings in 2019 based on physical violence he inflicted upon E.S.

¶ 20 Jacquelline Willis served as the children's nanny during the spring of 2019, and testified that while she was working, she heard Dustin spank one of Christal's other children, Luke, in another room. On a separate occasion, she observed Dustin swat J.K., approximately 16 months old at the time, on the leg for banging on the front door. Willis stopped being their nanny due to frequent altercations among Dustin, Christal, Garrett, and Jacklynn. The intensity of the yelling and violence frightened her. Christal testified that she is the mother of six children, two shared with Dustin and four from a prior marriage. Before attending medical school, all six children lived with her, and she served as their primary caregiver and hired nannies. She also exercised primary decision-making authority and primary parenting time over her four older children until 2021, when they began residing with their father in South Carolina.

¶ 21 Christal testified that in January 2022 she began attending Ross University School of Medicine in Barbados, where she remained until October 2023 returning to the United States during academic breaks. While on break in 2022, Christal worked periodically as a hospitalist at Gateway Regional Medical Center and Heartland Health, but her employment in 2023 was minimal. She also received VA disability benefits throughout this period. The parties' household

income dropped significantly after Christal began medical school, as reflected in their joint tax returns. Christal returned to the United States on October 24, 2023, after completing her basic sciences coursework. She was scheduled to begin clinical training at Mt. Sinai Hospital in Chicago while residing in Joliet. The training occurred on weekdays from 8:00 a.m. to 5:00 p.m. Christal testified that her clinical rotation would last two years, followed by a residency program, although her future residency location remained uncertain. The parties planned to relocate as a family before her clinical phase began. After Christal decided to end the marriage, Chicago was selected as the closest available clinical site to Dustin. She testified that attending medical school was a joint family decision and not undertaken against Dustin's wishes.

¶ 22 Christal testified that both parties historically disciplined the children by yelling and spanking, but she expressed significant concern about Dustin's anger-management issues. The record reflected multiple documented incidents involving Dustin's discipline. In 2019, Dustin struck E.S. with a belt, resulting in DCFS involvement and an indicated finding for child abuse. Later that year in December, a second incident involving E.S. resulted in additional indicated findings for child abuse and neglect, and Dustin was required to complete parenting and anger-management services. E.S. was sent to live with his grandparents in Texas and later returned the following summer. A 2017 DCFS report was also made after Jacklynn was observed smoking marijuana and sustained physical pain caused by Dustin's disciplinary actions. Christal acknowledged additional incidents of discipline she believed were excessive, though no reports were made regarding those occasions.

¶ 23 In July 2022 video captured by a kitchen camera showed conduct by Dustin that Christal found concerning. Christal called Jacklynn, who subsequently submitted an online DCFS report. At that time, Christal was two weeks from completing her finals. DCFS informed Christal that the

children would be removed, and Jacklynn temporarily assumed custody. Christal was satisfied with this arrangement and stayed in Barbados to complete her finals. Christal returned home after completing her examinations but subsequently resumed her medical studies in Barbados, leaving the children in Dustin's care because Jacklynn remained at home and DCFS maintained oversight.

¶ 24 From July 2022 through October 2023 Dustin was responsible for the children while Christal lived abroad. Christal testified that she believed Dustin had been rehabilitated following the 2019 DCFS findings and stated that she would not have left the children in his care had she known that the services he completed were limited to self-assessments.

¶ 25 Prior to the July 2022 incident, Dustin contacted her regarding his stress, and she attempted to alleviate it from Barbados. She made daily calls and tried to arrange for his daughter and mother to assist with the children, but Dustin would not permit it. She tried to have Jacqueline clean the house and prepare meals, and she set bills on autopay. She also returned home more frequently.

¶ 26 Christal testified that Dustin exhibited physical aggression toward her and verbal aggression toward the children. She stated that he had a history of mental-health issues and intermittently took prescribed medication for depression, anxiety, and anger. During Christal's absence, Dustin transported the children to most medical appointments. She and Dustin discussed everything related to their children and managed co-parenting responsibilities for medical care, education, and daycare. Christal participated in telehealth when possible. J.K., who has been diagnosed with ADHD, oppositional defiant disorder, emotional dysregulation, and sensory integration dysfunction, experienced escalating behavioral issues after she left for school. He frequently threw objects and exhibited disobedience. J.K. attended multiple daycare facilities due to behavioral concerns and was referred to a pediatric psychiatrist in February 2022.

¶ 27 Upon Christal's return to the United States, a temporary parenting-time order was entered granting her parenting time equivalent to alternating weekends. She agreed to this order "under duress" because she needed to return to Barbados. A November 2023 order increased her parenting time, and the parties have mutually adjusted pick-up times as needed.

¶ 28 Christal had concerns regarding Dustin's management of medication for the boys as well as their diet being dominated by junk food and their poor hygiene. During her increased parenting time, J.K. had not experienced behavioral problems, and the boys seemed happier. At the end of her parenting time, the boys did not want to return to Dustin.

¶ 29 She researched the school J.K. would attend in Joliet and concluded that it offered significantly more resources for his ADHD, ODD, and other diagnoses compared to the school in Mulberry. She requested a majority of parenting time, arguing it was in their best interests. She stated that she did not need medication to manage her anger and that there were no indications from DCFS. There were more resources available for J.K. in Joliet, and the step-siblings would be residing with them. She requested sole decision-making authority, citing Dustin's inability to communicate effectively regarding the children. Three of her other sons are returning to reside with her in the fall of 2024, including Ty, who has behavioral issues and has been diagnosed with ADHD and ODD. She would have these three boys, as well as the younger two, by herself, but stated, "things will be a lot easier." She did not believe that the boys were safe with Dustin and felt that it was not in their best interests to live with him. But, she believed they would be safe with him on the weekends.

¶ 30 She stated that once she started seeing the boys less frequently, they began acting up again. Before she moved to Joliet, she saw the boys more consistently; they had established expectations and routines, and their behavior was considerably calmer. However, since moving to Joliet, their

conduct had become disrespectful and unruly. Recently, their clothes and shoes had holes, and B.K.'s anus was chafed, chapped, and red.

¶ 31 Over her lawyer's objection, Christal was questioned and provided testimony regarding an affair she had with a medical student. She also testified about Dustin's affairs.

¶ 32 Christal testified that Jacklynn and Garrett's mother, Amanda Thompson, attempted to be involved with the children but was impeded by Dustin, who did not notify her of important matters. She also testified that Dustin verbally abused Amanda in the presence of the children. She observed his behavior with Amanda and noted that he had not been cooperative in co-parenting.

¶ 33 Christal confirmed that her only current sources of income were VA disability benefits and student loans, as she was not employed outside of her clinical rotations. Her monthly living expenses, as listed in her financial affidavit dated February 9, 2024, were $4,351.83, exceeding her income by approximately $135 per month. She acknowledged that if her children from South Carolina came to live with her, her expenses would increase, but she expected to receive $1,400 per month in child support from their father. Christal confirmed that she still owned a 2015 GMC Acadia and recently leased a 2024 Kia Telluride for $500 per month, but this was not reflected in her affidavit. She stated that no one else was living with her besides her children.

¶ 34 The marital residence, acquired by Christal in 2018 and subsequently refinanced with Dustin added to the deed, was sold following foreclosure proceedings. After Christal was "evicted" from the property and Dustin was granted exclusive possession, she ceased making contributions

¶ 35 Christal acknowledged that her student loans totaled $203,255, of which $155,255 was marital debt. She proposed that only 60% of this marital portion be considered in the division of property, with her assuming responsibility for the remaining 40%. She explained that this allocation reflected her acknowledgment of her higher earning potential as a physician upon the

completion of her training. Christal admitted that she had not paid any court-ordered or voluntary child support during the case, nor contributed to the mortgage after leaving the marital home, except for childcare expenses.

¶ 36 Katie Mosley testified she was the owner of Katie's Country Kids Daycare, and J.K. and B.K. attended her daycare. From September 2020 to September 2021 Dustin was typically the parent responsible for dropping off and picking up the children, with Garrett doing so on occasion. She also recollected Christal occasionally picking up the children. In September 2022 Dustin was primarily responsible for these duties because Christal was attending medical school. J.K. exhibited behavioral issues significant enough that she sought assistance from a mental health professional. She communicated with both parents regarding these issues, with primary correspondence with Dustin, given his more frequent presence. Dustin attempted to address the behavioral concerns, and J.K. started taking medication. She also conducted FaceTime calls with Christal starting mid-summer 2023. Katie observed Dustin picking up and dropping off the children and noted that the interactions were positive. She had no concerns regarding Dustin's conduct with the boys during these exchanges. While Dustin could be stern, she believed that J.K. required such firmness. She never felt that his sternness was inappropriate.

¶ 37 Dustin testified that he was employed as a diesel mechanic, working from Monday to Friday, from 7:30 AM to 4:00 PM. He maintained health insurance coverage for the boys. Prior to Christal's enrollment in medical school, she was employed. In July 2022 he and Christal encountered significant issues and engaged in frequent disputes. He was burdened with numerous responsibilities at work, and the passing of his uncle intensified his distress. Prior to Christal's attendance at medical school, he had never been a single parent and was consistently supported by another parent. When Christal began medical school, he had not yet established a routine and felt

isolated. He lacked someone to confide in, and his work environment was challenging, rendering this the most difficult period of his life.

¶ 38 He reviewed the videos that prompted the DCFS investigation and expressed feelings of humiliation and embarrassment. He acknowledged that his reactions were terrible. Following the incident, he utilized all available resources and fulfilled his responsibilities as outlined by DCFS. The agency required him to attend parenting classes and undergo counseling, which he completed. Additionally, he reached out to his pastor and associate pastor. He started journaling daily and made efforts to communicate with Christal. He learned to avoid screaming as he previously did and now communicates with the boys calmly. He gets their focus and tells them what they did wrong. He attended anger management training for a year and a half. He had been diagnosed with general anxiety disorder, although he was not prescribed any medications for it. He believed that the behavior he exhibited in July 2022 would not recur, as he no longer faced the same stressors. His wife was gone, and he adapted to living independently. He reprioritized, engaging in significantly less activity. Instead, he dedicated more time to activities with the boys. He had a support system comprised of his pastor and counselor, whom he continued to see every two weeks. Additionally, his church family and his parents, who resided an hour away, contributed to his support network.

¶ 39 When Christal enrolled in medical school, she would return home approximately every three to four months for a duration of about two weeks. Occasionally, she worked during these visits. J.K.'s conduct deteriorated further following Christal's departure for medical school. He believed he could communicate with Christal about J.K.'s medical needs and they could make decisions together. He tried to maintain a positive working relationship with Christal since their

separation. He sent her photographs of the children and contacted her regarding medical matters. Additionally, he granted her additional parenting time.

¶ 40 He maintained a routine with the boys, engaging in a variety of activities during the weekends. If they were to move to Joliet, their entire lifestyle would change, shifting from country to city. Prior to Christal going to Barbados, he managed the children's care and did chores on the farm. Additionally, he was responsible for doing the laundry, maintaining the cleanliness of their rooms, and preparing meals for the family.

¶ 41 Dustin maintained health insurance for the boys, costing him $260 per week. He was employed part-time due to counseling commitments and the children's schedules. He did not intend to change jobs, as his current employer offered a significant degree of flexibility. He objected to contributing to Christal's student loans because he never wished for her to attend medical school. Nonetheless, she was determined to pursue it, and there was nothing he could do to prevent it.

¶ 42 C. Judgment of Dissolution of Marriage and Parenting Plan

¶ 43 Both parties filed written closing arguments, and on August 14, 2024, a judgment of dissolution of marriage was entered. The parenting plan proposed by Dustin was adopted and incorporated into the judgment. The parties were granted joint decision-making authority over the children's medical, educational, and religious matters. Dustin was granted sole decision-making authority regarding extracurricular activities. Regarding parenting time, considering "the present work schedules of the parties," Christal, when in Joliet, was awarded every other weekend subject to her clinical schedule, rotation, and defined holidays. Dustin was designated as the parent with the majority of parenting time.

¶ 44 Christal was ordered to pay child support of $440.14 per month, in addition to $193.08 for health insurance. The parties were to split childcare expenses. With regard to tax exemptions, "Father shall claim the minor children for Federal and State Income Tax purposes since she is not working." The judgment further indicated that neither party requested maintenance, and therefore, none was ordered.

¶ 45 Concerning personal property, Dustin was awarded, among other items, the 2016 Dodge Ram, the 2015 Jeep Compass, the Kubota lawnmower, the real estate at 830 Fairview Lane in Smithboro, and 100% of the proceeds from the sale of the marital residence, which were being held in trust at Law Group Ltd. Christal was awarded, among other items, the 2015 GMC Acadia. The parties were to split Dustin's 401(k) account equally, with Christal awarded her Wexford 401(k). Regarding debts, Dustin was responsible for the loan on the residence at 830 Fairview Lane, the loan in his name at Heights Finance, the loan in his name at First Mid America, as well as his credit card and hospital debts. Christal was assigned her First Mid America loan, her student loans, and her credit card debt. Each party was to retain the personal property in their possession.

¶ 46 D. Post-judgment motions and orders

¶ 47 On September 12, 2024, Christal filed a motion to reconsider. She contended that the circuit court did not provide specific findings concerning the evidence presented for parenting time, aside from an August 14, 2024, docket entry that "references review of the evidence, closing arguments and statutory factors, without specifying which statutory factors."

¶ 48 Christal further contested the child support order, arguing that her contribution toward health insurance was not permitted under the child support statute because her net income was below the poverty guidelines and thus she "may not be ordered to contribute toward or provide private coverage." She further indicated that Dustin underreported his income, pointing to his

financial affidavit and further indicated that the child support calculation did not take into consideration her four older children who were under the age of 18. She calculated child support to be $254.22 per month. She argued that the circuit court's order regarding the sharing of childcare expenses was not allowable pursuant to statute because the parties reside in different localities.

¶ 49 Christal further argued that the allocation of property and debt was against the manifest weight of the evidence. She indicated that Dustin received an overall marital estate valued at $56,264.64, while she received a marital estate valued at -$143,503. She asserted that the circuit court failed to make specific findings regarding the evidence presented other than the August 14, 2024, docket entry stating that it reviewed the evidence, closing arguments, and statutory factors. She cited section 503(a) of the Illinois Marriage and Dissolution of Marriage Act (Act) (750 ILCS 5/503(a) (West 2022)) which requires the circuit court to make specific factual findings as to its classification of assets as marital and non-marital values and other factual findings supporting its property award. She argued that because the circuit failed to make specific findings, she was limited in her ability to reply.

¶ 50 A hearing was held on December 2, 2024, regarding the motion to reconsider, and the circuit court took the matter under advisement. We were not provided with a copy of the hearing transcript. On September 24, 2025, the circuit court entered an order regarding the parenting plan, stating, "[t]he following is a synopsis of the Court's evaluation of evidence presented." It then analyzed the best-interest factors outlined in section 602.5 of the Act (*id.* § 602.5) in relation to its analysis of the allocation of decision-making.

¶ 51 Regarding the children's adjustment to their home, school, and community, the circuit court observed that the children were accustomed to living with Dustin and were thriving in his care. It noted they were in recreational sports and that Dustin had modified his life to make the

children his priority. Concerning the mental and physical health of all individuals, the circuit court observed that Dustin exhibited anger management issues; however, he managed them appropriately and had remained issue-free subsequent to seeking assistance. The circuit court further noted that the physical health of Dustin and the children was never a matter of concern.

¶ 52 As to the parents' ability to cooperate in decision-making, the circuit court found that the parties were unable to cooperate meaningfully in making decisions for the children and that Christal "seems to want the children just to take them away from" Dustin. The circuit court did not find Christal's testimony credible regarding the amount of time she would have with the children if granted custody. The circuit court noted that Christal was pursuing a medical degree and was expected to enter a residency program, which would entail working approximately 80 hours per week for three to seven years. The circuit court stated that it was not in the children's best interests to "rarely see the one parent they live with."

¶ 53 Regarding each parent's involvement in significant prior decision-making, the circuit court observed that Dustin had custody of the children for the majority of the time over the past few years while Christal was in Barbados attending medical school. During this period, Dustin was responsible for making all major decisions.

¶ 54 Regarding any previous agreement between the parents, the circuit court observed that both parties resided together prior to their separation and shared decision-making responsibilities. Christal subsequently departed the country to attend medical school, leaving the children in Dustin's care with full decision-making responsibility. The circuit court noted that although Christal maintained contact with Dustin, her assistance was significantly limited by her location in another country. All emergency decisions rested with Dustin.

¶ 55 The circuit court observed that each parent sought sole decision-making authority. It further acknowledged that the youngest child had specific needs that Dustin was addressing. Additionally, the court noted that Dustin had an established system for meeting the children's needs.

¶ 56 As to the distance between the parties, the circuit court stated that the parties lived approximately four to five hours apart, but had been exchanging the children pursuant to the circuit court's previous order. The circuit court noted that "neither side has had an issue that has been raised with the court. Each parents schedule has been made to work around visitation."

¶ 57 Regarding the willingness and ability of each parent to foster a close relationship between the other parent and the children, the circuit court observed that the parties have "settled into the routine of the visitation schedule" and have not spoken disparagingly of each other. It further noted that there was no dispute regarding the children's religious upbringing.

¶ 58 The circuit court awarded sole decision-making authority regarding medical, educational, and extracurricular to Dustin, modifying it from its original order that awarded joint decision-making authority with regard to education and medical. It noted that, given Dustin's primary parenting time and the considerable distance between the parties' residences, this arrangement was logical. The parties were further instructed to divide equally any fees and costs associated with extracurricular activities.

¶ 59 The circuit court subsequently examined the best interest factors concerning parenting time. It observed that each parent sought to have the majority of the parenting time and that the children were too young to articulate their preferences.

¶ 60 Regarding the parent who had undertaken the caretaking responsibilities during the 24 months preceding the filing of the petition, the circuit court observed that the petition was filed in May 2023 and that Dustin had served as the primary caregiver throughout the duration. Concerning

any prior agreement, the circuit court stated that Christal traveled to Barbados to attend medical school and entrusted the children to Dustin "with her blessing, where they have been ever since."

¶ 61 Regarding the interaction between the children, their parents, and siblings, the circuit court stated that the children did not experience any issues in their relationships with each other or with their parents. It further observed that the children maintained a positive relationship with their half-siblings.

¶ 62 With regard to the children's adjustment to their home, school, and community, the circuit court stated that the children had resided with Dustin throughout their entire lives within the same locality. It noted that the children were comfortable with their father. Concerning the mental and physical health of all parties involved, the circuit court remarked that while the children exhibited behavioral issues, these were effectively managed. It further stated that the school was aware of these issues and was actively addressing them. There were no reports of health problems.

¶ 63 Regarding the needs of the children, the circuit court stated that both children demonstrated issues directly attributable to the divorce. As to the distance between the parties, the circuit court stated that the "distance between the parties is of great concern to this court." It stated that the parties reside four to five hours apart, with Dustin residing in southern Illinois and Christal in northern Illinois. The circuit court stated that Christal's behavior indicated she was more concerned with her career than with her children or her marriage, stating "[s]he willingly left care, custody and control of her children to the Father, whom she now deems to be unworthy of their care." It also stated that the distance the children must travel for parenting time posed a safety concern.

¶ 64 Regarding the willingness of each party to place the needs of the children above their own, the circuit court observed that Dustin had made sacrifices in his employment and schedule to

accommodate the care of the children. Dustin reduced his work hours and accepted different employment to facilitate this commitment. The circuit court stated "[w]hile becoming a doctor is no doubt a worthwhile endeavor, she has given up on a marriage and custody of her kids in it's [*sic*] pursuit."

¶ 65 Regarding the parents' willingness and ability to facilitate and encourage a healthy relationship between the children and the other parent, the circuit court observed that communication between the parties before trial demonstrated their desire to communicate respectfully. The court expressed hope that this positive attitude could be further cultivated to facilitate effective co-parenting. The circuit court awarded primary parenting time to Dustin during the academic year, with Christal receiving parenting time on alternating weekends.

¶ 66 On March 25, 2026, the circuit court issued an order containing findings regarding the division of assets and debts. Regarding child support, the circuit court indicated that its findings were based on the record and all statutory factors were duly considered. It stated that it relied on the information and testimony presented at trial, which was neither objected to nor countered "with a more clear recitation of the facts." Additionally, the circuit court did not find Christal's assertion that Dustin underreported his income credible. "This is now an issue and was not at trial." The motion to reconsider child support and contribution to health insurance was denied. Similarly, the motion to reconsider the contribution towards childcare was also denied, as it could have been addressed during the trial but was not.

¶ 67 As to the division of assets and debts, the circuit court merely relisted its allocation of both and stated that it had relied on evidence, testimony, and pleadings, and made no changes. It stated that it specifically classified assets as marital "or otherwise pursuant to statute." It further indicated that its findings were "consistent with the evidence and *** testimony, including the demeanor

and veracity of the witnesses as judged by this Court." On April 2, 2026, Christal filed this notice of appeal.

¶ 68 II. ANALYSIS

¶ 69 Christal asserts seven issues on appeal: (1) the trial court erred in its allocation of parental responsibilities, (2) the trial court erred in its allocation of parenting time, (3) the trial court improperly admitted evidence regarding Christal's extramarital affairs, (4) the trial court improperly considered evidence it heard in the subsequent proceedings when it decided the motion to reconsider, (5) the trial court erred in its division of assets and debts, (6) the trial court erred it its calculation of child support and child care contribution, and (7) the trial court was biased against her. We address each issue in turn.

¶ 70 A. Allocation of Parental Responsibilities

¶ 71 Christal contends that, in its judgment dissolving the marriage, the circuit court failed to analyze any of the best-interest factors outlined in section 602.5 of the Act (750 ILCS 6/602.5 (West 2024)) when determining parental responsibilities. She asserts that the circuit court adopted the parenting plan order drafted by Dustin without any modifications. Furthermore, she states that following the motion for reconsideration, the circuit court provided some analysis before ultimately granting Dustin all decision-making authority. She argues that the circuit court's exclusive allocation of decision-making authority to Dustin is contrary to the manifest weight of the evidence.

¶ 72 A circuit court shall allocate decision-making responsibilities in accordance with the 15 best interest factors outlined in section 602.5. We review a circuit court's determination of decision-making responsibilities using the manifest weight of the evidence standard. *Jameson v. Williams*, 2020 IL App (3d) 200048, ¶ 47. " 'A decision is against the manifest weight of the

evidence when an opposite conclusion is apparent or when the court's findings appear to be unreasonable, arbitrary, or not based on evidence.' " *Id.* (quoting *In re Marriage of Verhines*, 2018 IL App (2d) 171034, ¶ 51).

¶ 73 Christal relies on our decision in *Sadler v. Pulliam*, 2022 IL App (5th) 220213, to support her argument that we must reverse the circuit court's allocation of decision-making authority because it did not refer to the best-interest factors outlined in section 602.5. In *Sadler*, we reversed the trial court's allocation of decision-making and parenting time because it failed to mention the statutory factors for determining best interests and did not provide a summary of the evidence as it related to those factors. *Sadler*, 2022 IL App (5th) 220213, ¶ 44. Cristal cites *Sadler* for the assertion that a court must mention the statutory factors it is utilizing as the basis for its determination. *Sadler*, however, also noted the lack of a summary of the evidence as it related to those factors when determining best interests. We stated that "the circuit court did not mention the statutory factors *and* did not provide a summary of the evidence as it related to the relevant factors in sections 602.5(c) and 602.7(b)." (Emphasis in original) *Id.* The present case is not similar to *Sadler*, and, as such, we find *Sadler* distinguishable from the case at bar and find *In re Marriage of Whitehead*, 2018 IL App (5th) 170380, more analogous. In that case, the trial court stated, when rendering its decision for parenting time, that it considered all evidence, including the guardian *ad litem*'s report. *Id.* ¶ 7. We found that the GAL report specifically outlined the best interest factors and included an analysis of those factors with supporting evidence. *Id.* ¶ 17. We held that, as a result, the record showed that the trial court was aware of the best interest factors and thus "we presume the trial court properly considered all statutory factors." *Id.* ¶ 18.

¶ 74 Here in the August 14, 2024, docket entry, which corresponded to the date of the judgment of dissolution of marriage and the parenting plan, the circuit court explicitly stated that its decision

was made "after consideration of the lengthy testimony heard, arguments of counsel, closing arguments and memorandums of law, and statutory factors." Contrary to Christal's assertion that the circuit court did not consider statutory factors, it specifically mentioned that it did. Furthermore, Dustin filed a written closing statement on July 3, 2024, that included a list of relevant best-interest factors and a comprehensive analysis thereof. In addition, Christal herself submitted a written closing statement on July 2, 2024, which also included a list of the statutory factors and her application of the facts to those factors. The circuit court noted that it considered "closing arguments and memorandum of law," and both of these submissions qualify as such. Therefore, as in *Whitehead*, despite the circuit court's absence of an explicit listing of the statutory best-interest factors, the circuit court's statement of its consideration of "statutory factors," "closing arguments," and "memorandum of law" is sufficient to indicate that it conducted the requisite analysis of the statutory factors. Consequently, "we presume the circuit court properly considered all statutory factors." *Id*. ¶ 18.

¶ 75 Furthermore, following the filing of the motion to reconsider by Christal, in which this same argument was asserted, the circuit court issued a written ruling. This ruling explicitly enumerated and analyzed the best interest factors and highlighted how the facts presented at trial supported its conclusions. In other words, in addition to acknowledging that it had considered the statutory factors when establishing the parenting plan, the circuit court furnished a detailed analysis in its subsequent order, upon Christal's request. Therefore, we regard Christal's identical argument herein that the circuit court did not consider the statutory best-interest factors as disingenuous.

¶ 76 Christal next argues that it was against the manifest weight of the evidence to allocate all decision-making to Dustin. " 'A decision is against the manifest weight of the evidence when an

opposite conclusion is apparent or when the court's findings appear to be unreasonable, arbitrary, or not based on evidence.' " *Jameson*, 2020 IL App (3d) 200048, ¶ 47 (quoting *In re Marriage of Verhines*, 2018 IL App (2d) 171034, ¶ 51).

¶ 77 The evidence in this case depicts a deteriorating relationship, with both parties being accountable for certain questionable actions. The testimonies presented by each side corroborated their respective narratives: that Christal left Dustin to care for two young children while their marriage was disintegrating to pursue medical education, and that Dustin exhibits severe anger management issues that have manifested physically towards the children. While we do not downplay the significance of the physical abuse findings against Dustin, it is pertinent to note that Dustin has addressed and continues to work on these issues. Following the 2019 findings, Dustin participated in programs provided by DCFS. Subsequently, after the 2022 indicated finding, he again engaged in and completed relevant services. This time, though, he exceeded DCFS's requirements by self-referring to a new counselor and maintaining therapy through the present day. Moreover, he has sought support from his church community, including pastors, for weekly guidance. Additionally, J.K. is now consulting multiple specialists and has been prescribed medication to assist with his issues. The combination of these changes furnishes Dustin with the support and guidance necessary to make day-to-day decisions for the children.

¶ 78 The initial two indicated findings occurred in 2019; notwithstanding these events, Christal left Dustin, leaving him responsible for the care of the two young boys, as she relocated to a different country. Subsequently, when the second incident occurred in 2022, she did not call Dustin or the authorities but instead called her stepdaughter. Further, she chose not to return but remained in Barbados, even after the children were reunited with Dustin one week later. She later accepted an internship in the Chicago metropolitan area, once again leaving Dustin as the children's primary

caregiver. These actions on her part were undertaken with the awareness that J.K. exhibits considerable behavioral challenges; nonetheless, Christal moved to the Chicago area, approximately three hours away from the boys, thereby continuing to rely on Dustin to provide care for them. Her assertion that she maintained a majority of decision-making authority during her time in Barbados is unconvincing.

¶ 79 "It is no small burden to show that a circuit court's ruling on decision-making responsibilities is against the manifest weight of the evidence." *Jameson*, 2020 IL App (3d) 200048, ¶ 50. We note that the circuit court was in the best position to evaluate the credibility of witnesses. "It is well settled that a reviewing court's function is not to reweigh the evidence or assess witness credibility and set aside the circuit court's decision simply because a different conclusion may have been drawn from the evidence." *Id.* ¶ 51. Christal's argument on this issue "is more in the nature of an attempt to force this court to reweigh the evidence and reassess witness credibility, which we will not do. It is clear that the circuit court in this case thoroughly reviewed the applicable statutory factors in assessing the evidence. Under these circumstances, we hold that the circuit court's ruling on decision-making responsibilities is not against the manifest weight of the evidence." *Id.*

¶ 80 B. Allocation of Parenting Time

¶ 81 Christal next argues that the circuit court erred in its allocation of parenting time. In its initial parenting time order, the circuit court granted the majority of parenting time to Dustin, with Christal receiving every other weekend and one month during the summer. Following the motion to reconsider, the circuit court largely reaffirmed the same parenting time arrangement. She asserts that this allocation was contrary to the manifest weight of the evidence.

¶ 82 A trial court must consider 17 best interest factors when determining parenting time, as listed in section 602.7 of the Act (750 ILCS 5/602.7 (West 2024)). " 'A trial court's findings as to a child's best interests are entitled to great deference because the trial judge is in a better position than we are to observe the personalities and temperaments of the parties and assess the credibility of the witnesses.' " *Whitehead*, 2018 IL App (5th) 170380, ¶ 21 (quoting *In re Marriage of Stopher*, 328 Ill. App. 3d 1037, 1041 (2002)). "It is a well-established rule that the credibility of witnesses should be left to the trier of fact because it alone is in the position to see the witnesses, observe their demeanor, and assess the relative credibility of witnesses where there is conflicting testimony on issues of fact." *Id.* (quoting *In re Marriage of Kaplan*, 149 Ill. App. 3d 23, 28 (1986). "We will overturn such a determination only if it is against the manifest weight of the evidence, is manifestly unjust, or is the result of an abuse of discretion." *Id.* "A judgment is against the manifest weight of the evidence only if an opposite conclusion is apparent or if the findings appear unreasonable, arbitrary, or not based on the evidence." *Id.*

¶ 83 It is unclear from Christal's brief whether she is asserting the same argument she previously made concerning the allocation of decision-making—that the circuit court failed to analyze the statutory best interest factors in its original order. To the extent that she is, our analysis aligns with that pertaining to the allocation of decision-making responsibilities. In its docket entry, the circuit court explicitly stated that it considered the statutory factors, closing arguments, and memoranda of law, and subsequently listed and analyzed them in its order on the motion to reconsider.

¶ 84 In contending that the circuit court's decision regarding parenting time was against the manifest weight of the evidence, Christal emphasizes that prior to leaving for Barbados, she performed a majority of the care-taking functions and that after she left, she was still "very active in their lives." She points to various facts she believes show that Dustin should not be the primary

caretaker, such as Dustin's lack of knowledge that one of J.K.'s medications needed to be refrigerated and that B.K.'s shoes have holes.

¶ 85 Once again, the majority of the testimony presented by each party in this case was primarily aimed at supporting their respective narratives. We find no basis in the record to challenge the credibility determinations made by the circuit court after hearing such testimony. See *Young v. Herman*, 2018 IL App (4th) 170001, ¶ 64. The evidence indicates that both parties were suitable to serve as a parent; however, Christal left Dustin and the children in 2022 to pursue medical school. Subsequently, upon completion of her program, she relocated to Joliet, which is three hours away from the children. Since 2022, Dustin has predominantly been caring for the boys independently. Christal made the decision to designate Dustin as the primary caretaker despite Dustin's 2019 and 2022 indicated findings and, after his 2022 indicated finding, Dustin sought and continues to seek assistance, thereby changing his approach to stressful situations. Additionally, J.K. is receiving the appropriate medical care, services, and medications necessary to address his behavioral issues, which will undoubtedly be of significant aid.

¶ 86 Similar to the decision-making issue, Christal's argument essentially requests this court to re-examine the evidence and evaluate witness credibility. We decline to do so. See *In re Marriage of Pfeiffer*, 237 Ill. App. 3d 510, 513 (1992). The record provides no indication that the circuit court failed to consider any relevant statutory factors or the evidence pertaining to those factors in its determination regarding parenting time.

¶ 87 C. Extramarital Affairs

¶ 88 Christal next argues that the circuit court erred when considering her extramarital affairs. She asserts that she was permitted to be questioned, over her counsel's objection, regarding her "alleged affairs." She further states that the "trial court appears to have taken Dustin's testimony

regarding the affairs into account in its analysis of best interest factor 10 in the allocation of parenting time, as the circuit court indicated 'the Mother doesn't seem to be willing to sacrifice any of her career choice for her children. While becoming a doctor is no doubt a worthwhile endeavor, she has given up on a marriage and custody of her kids in its pursuit.' "

¶ 89 The Illinois Supreme Court has determined that "[m]arital misconduct may not be considered under the [Illinois Marriage and Dissolution of Marriage Act] in regard to *** child custody." *Strukoff v. Strukoff*, 76 Ill. 2d 53, 62 (1979). Although it was erroneous for the circuit court to admit evidence related to Christal's extramarital affairs, the quoted passage from the circuit court does not indicate that it factored her extramarital affairs into its assessment of the best interests of the children. Instead, it explicitly pertains to her career and its repercussions on her marriage and children. Consequently, we find no error in the circuit court's evaluation of factor 10, as there is no basis for Christal's assertion that the circuit court considered her extramarital affairs in its parental responsibilities allocation.

¶ 90 D. Improperly Considered Evidence

¶ 91 Christal additionally contends that the circuit court improperly considered evidence that was not admitted into evidence but was learned following the four-day trial. She asserts that during the hearing on the motion to reconsider, additional petitions were also heard. It is during that hearing that she maintains the circuit court became aware that the children participated in sports within Dustin's area. She argues that this evidence was "not admitted at trial, it is not part of the record on appeal and the children did not become involved in sports until later. However, the circuit court was aware of this through subsequent proceedings and relied on said information in its decision on" the motion to reconsider. She further asserts that we are prohibited from considering matters outside of the record, citing *People v. Woolley*, 178 Ill. 2d 175, 204 (1997).

¶ 92 " '[N]ot every circumstance in which extraneous or unauthorized information reaches the court requires reversal or a new trial.' " *Hamilton v. Petersen*, 2014 IL App (3d) 140147-U, ¶ 33 (quoting *People v. Banks*, 102 Ill. App. 3d 877, 882 (1981)). "Reversal is required only when the trial court's reliance on matters outside the record is prejudicial to one of the parties." *Id.* As outlined in our analysis of the allocation of parenting time and decision-making responsibilities, there is ample evidence to support the circuit court's determinations. The fact that the boys are currently engaged in sports carries no weight compared with the additional evidence evaluated by the circuit court in its decision-making process. Consequently, we determine that this reference did not prejudice Christal and does not constitute reversible error.

¶ 93 E. Division of Assets and Debts

¶ 94 Christal next asserts that the circuit court erred in its distribution of assets and debts. She argues that the circuit court failed to specify the factors it considered under section 503(a) of the Act (750 ILCS 5/503(a) (West 2024)). She contends that Dustin received an overall marital estate valued at $56,264.64, whereas she received a negative amount of -$143,503. She maintains that the circuit court did not make the necessary factual findings for its division and did not reference the factors outlined in section 503. She asserts that she "is forced to assume the trial court relied upon" Dustin's asset and debt allocation included in his closing argument. Additionally, she claims that Dustin's proposed asset and debt allocation, submitted with his closing statement, was inaccurate.

¶ 95 The distribution of assets and debts is governed by section 503, which states in part "The court shall make specific factual findings as to its classification of assets as marital or non-marital property, values, and other factual findings supporting its property award." *Id*. It also lists 12 factors the trial court must utilize in making its distribution determinations. " 'A reviewing court

applies the manifest weight of the evidence standard to the factual findings for each factor on which a trial court may base its property disposition, but it applies the abuse of discretion standard in reviewing the trial court's final property disposition (and how the trial court considers those factors).' " *In re Marriage of LaRocque*, 2018 IL App (2d) 160973, ¶ 66 (quoting *In re Marriage of Vancura*, 356 Ill. App. 3d 200, 205 (2005)).

¶ 96 Christal first argues that the circuit court failed to make explicit factual findings pursuant to section 503. The original judgment of dissolution of marriage did not include specific factual determinations. Upon Christal's motion to reconsider, the circuit court noted in its order, "[t]his Court has specifically classified assets as marital or otherwise pursuant to statute. The court has relied on evidence, testimony, pleadings. The findings are consistent with the evidence and testimony, including the demeanor and veracity of the witnesses as judged by this Court." The circuit court's order on the motion to reconsider did not alter its allocation of assets and liabilities.

¶ 97 The distribution of assets and debts was consistent with Dustin's proposal in his written closing argument. Dustin's proposal included a summary of the evidence and accompanying findings, as well as the factors outlined in section 503. Coupled with the circuit court's aforementioned statements in its motion to reconsider the order, it is evident that the circuit court, in distributing the assets and debts, implicitly adopted findings aligned with Dustin's closing argument. In other words, it considered the statutory factors outlined therein when making its findings. See *In re Marriage of Marx*, 281 Ill. App. 3d 897, 901 (1996). Consequently, Christal's assertion that the circuit court did not make any findings of fact is unsupported and without merit.

¶ 98 Christal next asserts that the distribution of assets and debts was inequitable due to the circuit court's unequal allocation. It is a well-established principle that "[a]n equitable division does not necessarily mean an equal division, and one spouse may be awarded a larger share of the

assets if the relevant factors warrant such a result." *In re Marriage of Romano*, 2012 IL App (2d) 091339, ¶ 121. "A trial court may equitably award one party debts that are greater than the assets awarded to that party." *In re Marriage of Havenhill*, 2012 IL App (2d) 110519-U, ¶ 24.

¶ 99 The factors outlined in section 503 support allocating a greater portion of the assets to Dustin than to Christal. Christal has historically demonstrated, and is expected to continue to demonstrate, a significantly higher earning capacity than Dustin. Prior to enrolling in medical school in Barbados, she earned gross incomes of $170,239 in 2019, $102,192 in 2020, and $101,831 in 2021. Conversely, Dustin's gross earnings were $64,07 in 2019, $46,672 (plus an additional $9,366 in unemployment benefits) in 2020, and $53,581 in 2021. It is anticipated that upon completion of her training, her income will significantly increase—potentially doubling or tripling her current earnings—and she has testified to that effect. "[W]hen one spouse has a disproportionately larger earning potential, there is a preference for providing the other party with a larger share of the marital assets." *In re Marriage of Jarvis*, 245 Ill. App. 3d 1007, 1013 (1993).

¶ 100 Additionally, Dustin had sole care of the two children while Christal was away at medical school in a different country, and he will continue to have primary parenting time. During Christal's medical studies, Dustin was the sole provider for the children and covered household expenses, aside from the contribution of the minimal disability benefits Christal received. In this regard, we find the case of *In re Marriage of Thornley*, 361 Ill. App. 3d 1067 (2005), to be persuasive. In that case, the husband contested the circuit court's distribution of assets and debts, arguing that the decision to award the wife significantly more assets was "arbitrary and without reason." *Id.* at 1071. The appellate court observed that the circuit court had determined that certain factors justified an unequal division because the husband depended on the wife while attending chiropractic school. *Id.* 1071-72. The appellate court further noted that the circuit court had also

recognized that the husband would earn a substantial income upon completing his education, and although the distribution favored the wife, it was not an abuse of discretion. *Id.* at 1072. The same reasoning applies here. Christal depended on Dustin during her attendance at medical school and clinical rotations in Chicago to maintain the household, pay the bills, and sustain the boys' standard of living. Upon completing her studies, she is undoubtedly poised to earn a substantial income that will far exceed Dustin's earnings. In line with *Thornley*, we do not find that the circuit court's apportionment of assets and debts constitutes an abuse of discretion.

¶ 101 Christal next takes issue with "the inaccuracies and issues" present in Dustin's proposed asset and debt allocation outlined in his closing argument submitted to the circuit court. This appeal is not the appropriate forum for her to raise grievances about these inaccuracies. See *Catalano v. Pechous*, 69 Ill. App. 3d 797, 814-815 (1978) (where defendant failed to raise inaccuracies in plaintiff's pleading in lower court.) Accordingly, we shall concentrate exclusively on the circuit court's distribution of those assets that warrant mention and were explicitly highlighted in her brief.

¶ 102 At trial, Christal presented as an exhibit a list of personal property she claimed was still in Dustin's possession, with a total value, in her opinion, of $14,305. She complains that the circuit court failed to consider that value as an asset to Dustin in its overall distribution of assets and debts.

¶ 103 First, Christal does not substantiate her assertion by explaining how she knows that the circuit court did not consider these items. She simply states in her brief "[t]he trial court failed to consider the value of any of the personal property items." "This court is entitled to have the issues clearly defined and supported by pertinent authority and cohesive legal arguments, and it is neither

the function nor obligation of this court to act as an advocate or search the record for error." *In re Estate of Dixon*, 2023 IL App (5th) 220515-U, ¶ 19.

¶ 104 Second, during the trial, it was established that the majority of these items remained in Dustin's possession. Dustin testified that upon learning Christal had purchased new personal property for her residence in Joliet, he questioned her about her decision, given that he still possessed her items. He stated that he had informed her that she could take her belongings, but she declined. This testimony by Dustin is corroborated by Christal's own filings, in which she admitted in her closing statement that she "testified she did not want the items at this point." This admission contrasts with her earlier detailed testimony at trial concerning the nearly 100 pieces of personal property. Although she was offered the opportunity to take these items and refused, she now seeks to have their value regarded as an asset to Dustin. We consider it disingenuous for her to refuse her own personal property, acquire new personal property as a replacement, and request that the value of the offered personal property be credited to Dustin as an asset.

¶ 105 Dustin received the remaining proceeds from the sale of the marital residence, totaling $46,971. Christal contends that this distribution was unjust and failed to adequately account for her contributions to the marital residence. "[A] party's 'financial contribution to the acquisition of marital assets is only one of several factors to be considered by the trial court in determining the equitable distribution of marital assets.' " *In re Marriage of Brill*, 2017 IL App (2d) 160604, ¶ 61 (quoting *In re Marriage of Lee*, 246 Ill. App. 3d 628, 638 (1993)). "But 'a spouse's greater financial contributions do not necessarily entitle him or her to a greater share of the marital assets.' " *Id.* (quoting *In re Marriage of Scoville*, 233 Ill. App. 3d 746, 758 (1992)). Further, it is noteworthy that, contrary to Dustin's expressed wishes, Christal chose to relocate to another country to attend medical school. This decision entailed leaving a position where she earned at

least $100,000, to earn nothing while abroad and being unable to make any significant contribution to the marital residence. Consequently, the marital residence was foreclosed, as Dustin was unable to meet the mortgage payments and other expenses for himself and the children during her absence. Dustin was forced to obtain new housing, in which he had to have his mother sign as a guarantor, with a mortgage payment of $605 per month. Christal, on the other hand, according to her financial affidavit, has a monthly house payment of $2,850 and incurs additional minimal expenses to support herself in the Chicago area. In other words, Dustin's financial situation has deteriorated since Christal's departure for medical school; however, upon her return, Christal has established herself in a residence with a monthly cost that is four times Dustin's. Christal neglects to recognize that equitable distribution does not necessarily mean equal distribution. "While the distribution need not be mathematically equal, it must be equitable." *In re Marriage of Roberts*, 2015 IL App (3d) 140263, ¶ 12. It is equitable to provide Dustin with a majority of the assets so he can restart his life with the boys.

¶ 106 "The court's focus in effecting a property distribution is whether the distribution is equitable, and each case rests on its own facts." *In re Civil Union of Hamlin*, 2015 IL App (2d) 140231, ¶ 61. As outlined previously, the facts substantiate the unequal yet equitable allocation of assets and debts in this case. Christal's mere disagreement with the circuit court's apportionment does not constitute an abuse of discretion by the circuit court.

¶ 107 E. Child Support

¶ 108 Christal next takes issue with the circuit court's child support order, the apportionment of daycare costs, and the apportionment of health insurance contributions. "Typically, child support calculations are determined by applying statutory guidelines. [Citation.] A court must utilize both parents' net monthly income and use a schedule published by the Department of Healthcare and

Family Services (DHFS) to determine basic child support obligations based upon income and number of children." *In re Marriage of Patel*, 2025 IL App (3d) 240453, ¶ 34. "The trial court's findings as to net income will not be reversed absent an abuse of discretion." *In re Marriage of Sawicki*, 346 Ill. App. 3d 1107, 1119 (2004).

¶ 109 The circuit court ordered that Christal provide child support payments to Dustin in the amount of $440.14 per month. This sum was calculated based on a detailed computation that Dustin submitted in his written closing argument. Christal alleges that Dustin's reported income, which he used to determine the child support amount, was inaccurate and underreported, thereby causing the circuit court to rely on potentially misleading information. Nevertheless, this argument was forfeited by Christal, as she had sufficient opportunity during trial to challenge or address this issue prior to raising it post-judgment and on appeal. Instead, she only first raised it in her motion to reconsider. "The purpose of a motion to reconsider 'is to bring to the trial court's attention newly discovered evidence not available at the time of the first hearing, changes in the law, or errors in the previous application of existing law to the facts at hand.' " *In re Marriage of Heinrich*, 2014 IL App (2d) 121333, ¶ 55 (quoting *River Village I, LLC v. Central Insurance Cos.*, 396 Ill. App. 3d 480, 492 (2009)). Christal's assertion that Dustin underreported his income does not meet the criteria for a valid motion to reconsider. Furthermore, because this issue was not raised at trial, it is forfeited on appeal. "Arguments raised for the first time in a motion to reconsider are generally forfeited for purposes of appeal." *Zurich American Insurance Co. v. Infrastructure Engineering, Inc.*, 2024 IL App (1st) 230147, ¶ 20. As such, we will not address the calculation of child support.

¶ 110 Christal next contends that the circuit court neglected to consider her four other children in its child support calculation. "If a parent is also legally responsible for support of a child not shared with the other parent and not subject to the present proceeding, there shall be an adjustment

to net income." 750 ILCS 5/505(a)(3)(F) (West 2024). However, none of her other four children resided with her as of the time of trial. While Christal testified that some of the children would be living with her in the fall, none of them resided with her during the trial or at its conclusion. Further, there was no evidence that she was "legally responsible for support" for her other children, as her financial affidavit filed with the circuit court prior to trial indicates a sum of $0 for monies paid to another parent for those children. Therefore, it was not an abuse of discretion for the circuit court not to consider these other children in its calculation of child support.

¶ 111 The circuit court ordered Christal to contribute $193.08 per month toward health insurance. Christal contends that, as her income falls below the poverty threshold specified in section 505, she ought not to have been ordered to contribute to health insurance. Section 505 provides in part "Parents with a net income below 133% of the most recent United States Department of Health and Human Services Federal Poverty Guidelines or whose child is covered by Medicaid based on that parent's income may not be ordered to contribute toward or provide private coverage, unless private coverage is obtainable without any financial contribution by that parent." *Id.* § 505(a)(4)(G). Initially, we observe that the statute's language is permissive rather than mandatory. In other words, it does not specify that a parent below the poverty guideline *shall* be prohibited from being ordered to contribute or to provide health insurance. "[W]e cannot, under the guise of statutory construction, declare that the legislature did not mean what the plain language of the statute says, and we may not add provisions or limitations to the statute the legislature did not include." *Reynolds v. Reynolds*, 2025 IL App (2d) 240028, ¶ 33.

¶ 112 Second, the circuit court stated in its order, after this same argument was raised by Christal in the motion to reconsider, that it believed Christal's payment of $193.08 per month for health insurance was "very reasonable for two children." We agree. Dustin testified that he provides

health insurance for the children, none of which is subsidized by his employer. According to his financial affidavit, the monthly payment for the children's health insurance is $722. The portion ordered by the circuit court for Christal's contribution payment is approximately 26% of this amount. In essence, based on the evidence adduced at trial, requiring Christal to contribute $193.08 toward the children's health insurance was not an abuse of discretion.

¶ 113 Christal next contends that she should not be required to contribute fifty percent of the childcare expenses as ordered by the circuit court. It is within the circuit court's discretion to order payment of childcare costs. 750 ILCS 5/505(a)(3.7) (West 2024). If it is ordered, it "shall be prorated in proportion to each parent's percentage share of combined net income." *Id*. § 505(a)(3.7). Christal's share of the combined income is 17%; therefore, her contribution to childcare expenses should be adjusted accordingly. Consequently, we concur with Christal that her contribution towards childcare expenses must be decreased proportionally.

¶ 114 E. Bias of Circuit Court

¶ 115 Christal's final argument on appeal is that the circuit court exhibited bias against her. She substantiates her claim by citing a single admonition issued during a four-day trial, in which the circuit court noted that her attitude had been observed and that she needed to stop shaking her head. Furthermore, she asserts that Dustin's receipt of "everything he asked for" reinforces her assertion that the circuit court was biased against her. "We review this issue *de novo*." *In re Marriage of Sariri*, 2015 IL App (2d) 130749-U, ¶ 18.

¶ 116 " 'A trial judge is presumed to be impartial, and the burden of overcoming this presumption rests on the party making the charge of prejudice.' " *Id.* ¶ 19 (quoting *Eychaner v. Gross*, 202 Ill. 2d 228, 280 (2002)). "Unfavorable comments regarding the credibility of a party and adverse rulings against that party are not sufficient to overcome the presumption against judicial bias." *Id.*

Indeed, the party making the allegation of prejudice must bring forth evidence of prejudicial trial conduct and of the judge's personal bias. *Id.* "When the allegedly offensive comments are based on facts presented to the court, the claim of judicial bias will fail unless the comments are based on deep-seated favoritism or antagonism." *Id.*

¶ 117 Here, the evidence on which Christal relies for her allegation of circuit court bias consists of a single comment made during four days of trial, the ambiguity of the circuit court's directives, and the fact that Dustin received "everything he asked for." This all-encompassing final argument of circuit court bias is unsubstantiated by our review of the record. Consequently, we find no merit in Christal's allegations of bias by the circuit court.

¶ 118 III. CONCLUSION

¶ 119 For the foregoing reasons, we affirm the circuit court's judgment concerning parenting time, allocation of parental responsibilities, division of assets and debts, child support, and health care expenses. We reverse and remand the circuit court's determination regarding the allocation of childcare expenses, and direct that Christal's contribution to child care expenses be adjusted to 17% rather than 50%.

¶ 120 Affirmed in part and reversed and remanded in part.